

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

264+269

1. CRM-M No.5597 of 2018
Date of Decision: May 8th, 2018
RameshPetitioner
Versus
State of Haryana and anotherRespondents
2. CRM-M No.4787 of 2018
Date of Decision: May 8th, 2018
Sandeep @ Piko and anotherPetitioners
Versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parveen Kumar Rohilla, Advocate
for the petitioner (in CRM-M No.5597 of 2018)
for respondents No.2 and 3 (in CRM-M No.4787 of 2018).

Mr. Wazir Singh, Advocate
for the petitioners (in CRM-M No.4787 of 2018)
for respondent No.2 (in CRM-M No.5597 of 2018).

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of two petitions i.e. *CRM-M No.5597 of 2018* titled as *Ramesh Versus State of Haryana and another* and *CRM-M No.4787 of 2018* titled as *Sandeep @ Piko and another Versus State of Haryana and others*, where two different FIRs have been registered arising out of a single incidence i.e. FIR No.371 dated 21.06.2013 and FIR No.367 dated 20.06.2013.

On 12.02.2018, when CRM-M No.5597 of 2018 came up for hearing before this Court, following order was passed:-

*“Prayer in the present petition filed under Section 482
of the Cr.P.C. is for quashing of FIR No.371 dated*

21.06.2013 (Annexure P-1) registered under Sections 323, 325, 34 of the IPC, at Police Station Gharaunda, Karnal, on the basis of a compromise dated 21.01.2018 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner contends that for the same incident which is a subject matter of the present FIR, FIR No.367 dated 20.06.2013 under Sections 323, 324, 34 IPC has been registered at Police Station Gharaunda, District Karnal, in which during investigation, Section 326 IPC was added later on, at the instance of Smt. Parvesh Sharma, who is the wife of the present petitioner-Ramesh against Sandeep and Mohan sons of Mangal Ram. Complainant Darshana Devi is the widow of Mangal Ram and, therefore, Sandeep and Mohan are her sons. He contends that in the light of the compromise which has been entered into between the parties, CRM-M No.4787 of 2017 titled as Sandeep and another Versus State of Haryana and others has been filed for quashing of FIR No.367 dated 20.06.2013, in which notice of motion has been issued for 28.03.2018 and the parties have been directed to appear before the trial Court at Karnal on 15.02.2018 for recording their statements. Counsel, therefore, prays that similar order be passed in the present case.

Notice of motion.

On the asking of the Court, Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1.

Counsel for the petitioner has handed over a copy of the petition to the counsel for the State in Court.

Mr. Wazir Singh Madotra, Advocate, accepts notice on behalf of respondent No.2 and admits the compromise (Annexure P-2).

*The parties are directed to appear before the Illaqa Magistrate/trial Court on **15.02.2018** for recording of their statements with regard to the above referred*

compromise on the said date or on any other date convenient to the Court.

The Illaqa Magistrate/trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report along with the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

*To come up before this Court on **28.03.2018** along with Cr. Misc. M. 4787 of 2017.*

Copy of this order be sent to Illaqa Magistrate/trial Court concerned forthwith for information and compliance.

*Copy of this order be given **dasti** to the counsel for the petitioner under signatures of Bench Secretary of this Court.”*

In pursuance to the order passed by this Court, parties had appeared before the Judicial Magistrate Ist Class, Karnal, on 15.02.2018 and got recorded their respective statements with reference to the compromise dated 21.01.2018 (Annexure P-2).

On perusal of the statements given by the parties, the Judicial Magistrate Ist Class, Karnal, has submitted his report dated 28.02.2018, according to which the compromise which has been entered

into between the parties is genuine, without any pressure or undue influence.

Counsel for the respective parties submit that in the light of the report of the Judicial Magistrate Ist Class, Karnal, referred to above, these petitions may be allowed as none of the parties want to or intend to further pursue the FIRs which were registered at their behest. They further state that it would be in the interest of the parties keeping in view the compromise which has been entered into between them as they belong to the same locality and it would be for the betterment of the society and good relations in the area that such a resort is taken note of. They further state that the interest of justice would be duly served if the matter is brought to an end so that there is no further heartburning or grudges between the parties.

Keeping in view the report submitted by Judicial Magistrate Ist Class, Gurugram, and in view of the fact that the complainant has no objection to the quashing of the FIR as also keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.371 dated 21.06.2013 registered under Sections 323, 325, 34 of the IPC, at Police Station Gharaunda, Karnal and FIR No.367 dated 20.06.2013 under Sections 323, 324, 34 IPC, later on added Section 326 IPC registered at Police Station Gharaunda, District Karnal and all other

consequential proceedings arising out of both the FIRs, are hereby quashed
qua the petitioners only.

Copy of this order be placed on the file of connected case.

May 8th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No